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along said highway in a northeasterly direction about two and one-half miles to Connard-Squibb road; thence along said road to Connard, Kentucky; thence along a road leading northerly, crossing Line Creek, to and up Buffalo Creek, and crossing West Fork of Skagg Creek to the East Fork of Skagg Creek at a point in road about one-half mile above its junction with the West Fork thereof; thence along road up said East Fork about three and three-fourth miles to junction of roads at forks of said Creek; thence along road northeasterly to U. S. Highway No. 25 at Pine Hill, Kentucky; thence along said Highway to the Brush Creek road which leads to Orlando, Kentucky; thence along said road to the Louisville & Nashville Railroad at the junction of Brush and Roundstone Creeks; thence along said railroad to Langford road a point about one-fourth of a mile north of Langford, Kentucky; thence along said road to Clear Creek road; thence along said road to Lowman Hill road a point about one-fourth of a mile north of Disputanta, Kentucky; thence along Lowman Hill road to Climax-Three Links Road; thence along said road to Old Jackson Road; thence along said road to Pine Grove road; thence along said road to Clover Bottom road; thence along said road to State Highway No. 21; thence along said State Highway to Dry Fork road; thence along said road to Brazil-Kerby Knob road; thence along said road to Kerby Knob, Kentucky; thence with a road leading northwesterly to the headwaters of Rock Lick Creek, and northeasterly to the headwaters of Shirley Branch, to the road paralleling Red Lick Creek; thence along said road, to the second crossing of Nellie Henderson Branch near its mouth; thence along the foot of the hill on the southeast side of Red Lick Creek to bend in a road about one-fourth mile south of the mouth of Red Lick Creek; thence along said road, crossing Middle Fork of Station Camp Creek, to a point in curve of road about one-eighth of a mile southwest of where said road crosses Station Camp Creek; thence along the foot of the hill on the west side of Station Camp Creek to a point opposite and about one-half mile west of the mouth of Searcy Creek; thence a straight line to a point where Station Camp Creek road crosses Searcy Creek near its mouth; thence along said road, crossing Jones Branch to River Road a point near South Irvine School; thence along said road, crossing Little and Big Doe Creeks, to the Kentucky River; thence northeasterly along a road crossing Kentucky River near the mouth of Buck Creek, to Pryce, Kentucky; thence along Pryce Road crossing Miller Creek to State Highway No. 52; thence along said highway about three-fourths of a mile to a road leading southwesterly; thence along said road, passing Millers Creek, Kentucky, to Cow Creek near its mouth; thence up Cow Creek to State Highway No. 52; thence along said highway in a northeasterly direction about one-half mile to Old Cow Creek Road; thence along said road, crossing Cow Creek, Cottage Fork and Campbell Fork to the corporate limits of Irvine, Kentucky; thence with the corporate limits thereof to brow of mountain; thence along brow of mountain overlooking Irvine, Kentucky, and around head of Sweet Lick Branch to a point opposite and northeast of the junction of Sweet Lick Branch and White Oak Creek; thence along divide between said streams to a point on State Highway No. 89; thence along said highway to road up White Oak Creek; thence along road, up White Oak Creek, down Little Hardwick Creek, and up Hardwick Creek to Estill Furnace, Kentucky; thence northerly along road down Cat Creek to State Highway No. 15 near mouth of Cat Creek; thence along said highway to Middle Fork Road about one-fourth of a mile east of Cow Creek; thence along said road, crossing South Fork of Red River, to a road near the Louisville and Nashville Railroad; thence along said road and up Red River to a point opposite the mouth of Dunwoody Branch; thence along the foot of the hill on the south side of Red River to a point opposite the mouth of Spaas Creek; thence a straight line to a point where road crosses Spaas Creek near its mouth; thence along said road down Red River, crossing Short Creek, Dunwoody

Cumberland River at a point between Dixie and Haynes Bends; thence up said River to the mouth of Buck Creek; thence up said Creek to the mouth of Whetstone Creek; thence up Whetstone Creek to a point in Whetstone road near head of said Creek and about one-half of a mile south of Acorn, Kentucky; thence along said road to Mount Victory-Acorn road; thence along last named road passing Acorn, Kentucky, to State Highway No. 80; thence

Branch and Cane Creek to forks of road on west side of Cane Creek; thence along Cane Creek road to forks of road; thence along Right Fork of Cane Creek road to Hawkins Branch; thence easterly along a road up Hawkins Branch to Fagan, Kentucky; thence along a road down Leatherwood Fork to Leatherwood School; thence along Indian Creek road passing Tabor, Kentucky, to State Highway No. 40, about one and one-fourth miles west of Frenchburg, Kentucky; thence along said highway about two and one-half miles to Old State road leading westerly; thence along said road to Slate Fork; thence along a road up Slate Fork, crossing East Fork, to head of and down Mill Creek and up hill to forks of road on divide between Mill Creek and Blue Bank Creek; thence along road to Blue Bank Creek; thence down Blue Bank Creek passing the mouth of Pond Lick Branch, to a branch coming into said creek from the southeast about one mile south of the Chesapeake and Ohio Railroad; thence along the height of land, crossing the Chesapeake and Ohio Railroad about one and one-eighth miles west of Olympia, Kentucky, and crossing State Highway No. 36 about one mile northwest of Olympia, Kentucky, to the forks of Rose Run; thence down said run about one-half mile to a bend in same; thence along the height of land of Flood Mountain to U. S. Highway No. 60 about one and one-fourth miles northwest of Salt Lick, Kentucky; thence along said highway to Salt Lick Creek; thence up Salt Lick Creek to the Chesapeake and Ohio Railroad; thence along said railroad to Midland, Kentucky; thence along Midland-Yale road up Licking River to a point about one-fourth of a mile west of Hog Hollow; thence a straight line north, crossing Licking River, to a point in road at Carey School; thence northerly along said road to U. S. Highway No. 60 at Farmers, Kentucky; thence along said highway, crossing East Fork of Triplett Creek to Bluestone, Kentucky; thence along the North Fork Triplett road to State Highway No. 32; thence crossing said highway northeasterly along the old North Fork Triplett road to Kiser Branch; thence crossing said branch and along the Martins Branch road to the North Fork Triplett road; thence along said road to Old Johnson road; thence along said road to Johnson Branch; thence along the lower slope east of Big Brushy Creek to Humphrey Branch about one-fourth of a mile above its mouth; thence a straight line to Big Brushy road at the mouth of Colt Branch; thence along said road to Brushy-Cane Creek road; thence with said road to the Fleming-Rowan County line a point near U. S. G. S. Triangulation Station Sand; thence along the Rowan-Fleming, Rowan-Lewis and Rowan-Carter County lines to a point on Rowan-Carter County line between the heads of Holly Fork and Hays Branch; thence along the divide between Holly Fork and Hays Branch, and Little Perry Branch and Hays Branch, to East Fork of Triplett Creek about one-half mile west of Hayes, Kentucky; thence up East Fork of Triplett Creek to the mouth of Buffalo Branch; thence along road, up Buffalo Branch and down Patties Lick Branch to State Highway No. 32; thence along said highway to Vale, Kentucky; thence along road up Walker Branch to ridge and along ridge to Crix Ridge road; thence along said road to Wagoner road; thence along said road to Minor-Poplar Grove road; thence along said road crossing Minor Creek to State Highway No. 173; thence southerly with said highway to Blairs Mills Road a point on the Rowan-Elliott County line at the head of Devils Creek; thence along said road to Blairs Mills Station (Leisure P. O.) Kentucky; thence along a road crossing North Fork of Licking River to Yocum Creek road at Blaize, Kentucky; thence along said road to Caudill Ridge road at Zag, Kentucky; thence along said road to Licking River; thence along a road crossing Licking River at Blackwater Ford to Dan Ridge Road at Dan, Kentucky; thence along said road to State Highway No. 40 at Wellington, Kentucky; thence along said highway to a road leading southerly along Lothan Branch; thence along road down and east of Lothan Branch to Mill Fork Branch; thence

down Mill Fork Branch to the cliffs; thence along cliffs east of Mill Fork Branch, around Goss Fork and east of Hiram Brown Branch to a road near the head of Hiram Brown Branch; thence along said road on divide to forks of road near head of Osborne Branch; thence along road to cliffs near the head of Osborne Branch; thence along cliffs east of Osborne Branch and north of Clifty Creek to a point about one-fourth of a mile southwest of Piney Branch; thence crossing Clifty Creek and along the cliffs to the south thereof to a point in road near the head of Solomon Branch; thence along road to the Tut Ford (across Red River); thence crossing Red River and along Calaboose road, passing Calaboose School to Swift Camp Creek about one and one-half miles north of Campton, Kentucky; thence southerly along a road crossing Page Branch about one-half mile to Duff Ridge Road; thence with said road to a point on State Highway No. 15 about about two and one-half miles northwest of Campton, Kentucky; thence along said highway to its intersection with State Highway No. 11 near Pine Ridge, Kentucky; thence along Highway No. 11 to a point over the tunnel of the Louisville and Nashville Railroad at Torrent, Kentucky; thence along the Louisville and Nashville Railroad to Fincastle, Kentucky; thence along Fincastle road, passing Shumaker School and crossing Hell Creek to State Highway No. 11; thence along said highway to its junction with State Highway No. 52 at Beattyville, Kentucky; thence along Highway No. 52 about one mile to road down a hollow; thence along said road to Kentucky River; thence up said River to Kentucky State Highway No. 11 at forks of River; thence along said highway to Heidelberg road leading to Idamay, Kentucky; thence along said road, passing Idamay, and down Duck Fork to Sturgeon Creek; thence up Sturgeon Creek to a point about one-fourth of a mile above the mouth of Travis Creek; thence along the divide between Travis Creek on the north and Grassy Creek on the south to a point in Brushy Mountain road along north and south divide; thence along said road to point in intersection of Old Jack Branch road about three-fourths of a mile south of Nantz Triangulation Station; thence along said road crossing Warfork Creek and passing Smith School to State Highway No. 21 near Bradshaw, Kentucky; thence along said highway, passing Gray Hawk, Kentucky, to Old Gray Hawk-Annville road; thence along said road to Gray Hawk-Vicker's road; thence southwesterly along said road to McKee-Annville road; thence along said road to Letter Box road a point near Dabolt, Kentucky; thence along said road to crossroads at Parrott, Kentucky; thence westerly along road down Black Lick to South Fork of Rockcastle River; thence down said South Fork to its junction with the Middle Fork of Rockcastle River; thence down Rockcastle River to old State road a point on the Old Crewe's Ferry Crossing; thence along said road to Mershons, Kentucky, a point on U. S. Highway No. 25; thence southerly along said highway to Old Livingston road; thence westerly about one and one-half miles along said road to a road leading south; thence southerly with said road to Arthur Ridge road a point near Hazelpatch Creek; thence along said road crossing Hazelpatch Creek to Johnson Ridge road; thence along said road to Crab Orchard road; thence along said road to Gillis Branch road; thence along said road to Camper road; thence along said road to State Highway No. 80 at Bernstadt, Kentucky; thence easterly along said highway to Highmore road a point near Dees Store; thence along said road to Sinking Creek road; thence along said road to Abutment road a point near Pine Top School; thence along said road to Sublimity road a point near Benges Store; thence along said road to a point where the center of said road crosses the Castle Craig Coal Company Tract 1520-II on the line between corners 4 and 5 at 0.45 chains S 40°30' E of corner 4 of said tract; thence with the eastern boundary of tract 1520-II and meanders thereof S 40°30' E 3.32 chains to corner 5; thence S 31°00' W 14.18 chains to corner 6; thence S 22°00' W 6.52 chains to corner 1 which is also

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corner 1 of the Castle Craig Coal Company tract 1520-I; thence with part of the boundary of said tract and meanders thereof S 57°30' E 1.15 chains to corner 2; thence S 27°15' W 4.67 chains to corner 3; thence S 51°00' W 3.96 chains to corner 4; thence N 40°45' W 0.54 chains to center of Sublimity road; thence along said road to Corbin-Somerset road; thence along said road to Old Sinking-Woodbine (old Burton road) road; thence with said road passing Bartons Mill to Scuffletown road; thence with said road to State Highway No. 90; thence along said highway to Old Cumberland Falls road; thence along said road to Devils Creek road; thence along said road to Henry Young road; thence along said road to State Highway No. 90; thence easterly along said highway about one-eighth of a mile to Redbird Lane; thence along Redbird Lane to Redbird Bridge across Cumberland River; thence along Redbird Road to a point in forks of road about one-half mile northwest of Williamsburg, Kentucky; thence along road to State Highway No. 92; thence along said highway to spur railroad leading to Bon Jellico, Kentucky; thence along said railroad to the Louisville and Nashville railroad about one and one-fourth miles south of Williamsburg, Kentucky; thence along the Louisville and Nashville railroad to the Southern railroad; thence along the Southern railroad to the beginning.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 23d day of February in the year of our Lord nineteen hundred and [SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State

[No. 2227]

[F. R. Doc. 37-564; Filed, February 24, 1937; 1:11 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR EROSION CONTROL
DEMONSTRATIONS

Nevada

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

Section 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked as to the following-described tracts of public land in Lincoln County, Nevada:

MOUNT DIABLO MERIDIAN

T. 4 S., R. 59 E., E 1/2 sec. 35, all sec. 36.
T. 5 S., R. 59 E.,
all sec. 1, E 1/2 secs. 2 and 11,
all secs. 12 and 13, E 1/2 sec. 14, NE 1/4 sec. 23, NW 1/4 sec. 24.
T. 4 S., R. 60 E., all secs. 31 and 32, W 1/2 sec. 33.
T. 5 S., R. 60 E., W 1/2 sec. 4, all secs. 5, 6, 7, 8, W 1/2 sec. 9,
NW 1/4 sec. 17, N 1/2, SW 1/4 sec. 18.
T. 1 S., R. 68 E., all sec. 36.
T. 2 S., R. 68 E., all secs. 1 and 22.
T. 1 S., R. 69 E., all sec. 31, S 1/2 sec. 32.
T. 2 S., R. 69 E., S 1/2 secs. 2 and 3, all secs. 4, 5, 6, 7, 8, 9,
10, 11, 12.

Sec. 2. Subject to valid existing rights, the tracts of land described in section 1 of this order are hereby withdrawn from settlement, location, sale, or entry and reserved for use by the Soil Conservation Service, Department of Agriculture, in conducting erosion control demonstrations, a part of such land to be known as the Pahranagat Valley Area and a part as the Panaca Area.

SECTION 3. The withdrawal made by section 2 of this order shall continue in force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 23, 1937.

[No. 7558]

[F. R. Doc. 37-569; Filed, February 24, 1937; 2:52 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5603 OF APRIL 20,
1931, WITHDRAWING PUBLIC LANDS

Wyoming

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5603 of April 20, 1931, withdrawing, together with other lands, public lands in the following-described township in Wyoming, pending a resurvey, is hereby revoked as to said township:

SIXTH PRINCIPAL MERIDIAN

T. 42, N., R. 83 W.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 23, 1937.

[No. 7559]

[F. R. Doc. 37-568; Filed, February 24, 1937; 2:51 p. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6082 OF MARCH 25, 1933,
WITHDRAWING PUBLIC LANDS

Wyoming

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6082 of March 25, 1933, withdrawing public lands in the following-described township in Wyoming, pending a resurvey, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 56 N., R. 93 W.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 23, 1937.

[No. 7560]

[F. R. Doc. 37-567; Filed, February 24, 1937; 2:51 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6288 OF
SEPTEMBER 14, 1933, WITHDRAWING PUBLIC LANDS

Wyoming

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6288 of September 14, 1933, withdrawing, together with other lands, public lands in the following-described township in Wyoming, pending a resurvey, is hereby revoked as to said township:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 84 W.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 23, 1937.

[No. 7561]

[F. R. Doc. 37-566; Filed, February 24, 1937; 2:51 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WR—B-101—Arizona

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—ARIZONA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Arizona, and such modifications or other provisions as may hereafter be made.

The 1937 agricultural conservation program has been developed in accordance with the provisions of sections 8, 15 and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 per cent participation. Such rates of payments, deductions and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 per cent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 agricultural conservation program in Arizona, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 agricultural conservation program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 agricultural conservation program in Arizona.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 agricultural conservation program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Crop land means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Total soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Cotton soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of cotton.

General soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton soil-depleting base. Such general soil-depleting base shall be determined by subtracting the cotton soil-depleting base from the total soil-depleting base.

Soil-conserving base means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I Payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I Payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II Payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

General diversion farm means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

Diversion farm means any general diversion farm, or any farm with respect to which a cotton soil-depleting base is established.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Arizona at the rates and subject to the conditions set forth herein.

SEC. 1. *General Diversion Payments.*—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.²

SEC. 2. *Cotton Diversion Payments.*—Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

SEC. 3. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; *Provided*, That practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 per cent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 per cent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets;

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar, by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III—Rates and Conditions of Soil-Building Payment

SEC. 1. *Soil-Building Practices and Rates.*—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where in the determination of the State committee such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payment will not be made for more than one practice carried out on the same acreage except that payments will be made for practices prescribed in items A, B, C, D, or E of Section 1 in addition to the practice prescribed in item H of Section 1 of this Part III.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial Legumes* including alfalfa, kudzu, sericea, white clover, ladino, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial Legumes* (except sweet clover) including red clover, alsike clover, mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

¹ Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

² The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

C. Perennial grasses including such as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937 when seeded under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on crop land under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Renovation of perennial legumes where perennial legumes have been established and are in need of cultivation for aeration, water percolation, noxious weed control, and reseeding, a payment will be made if fields are renovated, in accordance with specifications issued by the Director of the Western Division, and the noxious weeds, including Johnson grass, white horse nettle, bind weed, nut grass, blue weed, camel's thorn, and death weed, are pulled or burned out between February 1, 1937, and August 15, 1937: \$2.00 per acre.

G. Green Manure Crops.

1. Annual or biennial legumes turned under in 1937 after attaining at least two months' growth on *irrigated* crop land: \$2.00 per acre.

2. Annual legumes turned under in 1937 after attaining at least two months' growth on *nonirrigated* crop land: \$1.00 per acre.

3. Winter small grain crops when grown on crop land preceding or following a 1937 vegetable crop or in commercial orchards in 1937 and turned under after attaining at least two months' growth: \$1.00 per acre.

H. Establishment of terraces on cropland in 1937: *Provided, however,* plans for the terracing project are approved in advance by the county committee: \$0.40 per 100 linear feet.

I. Contour listing and fallow when effected on non-irrigated cropland and no soil-depleting crop is harvested in 1937: \$1.00 per acre.

J. Perennial Noxious Weed Control.—When, after approval of the county committee, seriously infested plots of bind weed, blue weed, camel's thorn, white horse nettle, nut grass, death grass, and Johnson grass are controlled by chemical treatment or by periodic cultivation in accordance with specifications issued by the Director of the Western Division.

1. Chemical Treatment: \$10.00 per acre.
2. Periodic cultivation: \$5.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre diverted for payment from the general soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre devoted to commercial orchards on the farm.

4. \$1.00 for each acre of commercial orchards on the farm.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,² for each acre of cropland on the farm in 1937.

2. \$1.00 for each acre of commercial orchards on the farm.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: \$50.00 per spring or seep.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

C. Earthen pits or reservoirs for holding run-off and impounding precipitation.—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. Wells.—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: \$1.00 per linear foot.

E. Water Spreading to Prevent Soil Washing.—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture): \$0.10 per 100 linear feet of permanent ditching.

F. Range Fences.—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

G. Rodent Control.—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: \$0.15 per acre.
2. Ground squirrels: \$0.06 per acre.
3. Prairie dogs: \$0.07½ per acre.

H. Reseeding.—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses or forage shrubs as follows: \$0.20 per pound of seed sown:

1. Native gramas.
2. Chamiza.

I. Fire Guards.—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: \$0.03 per 100 linear feet.

SEC. 2. Range-Building Allowance.—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. Range-building Payment.—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil-depleting crops or deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to cotton acreage diverted for payment.

SEC. 4. Eligibility for Payment.—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: *Provided*, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

Part V.—Division of Payments

SEC. 1. Division of Payments Between Owner and Operator.—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, and share-croppers in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however, That*—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of

major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937 the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the corp, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. 1937 Owner or Operator Entitled to Payments.—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

Part VI—General Conditions for Payment

SEC. 1. Modifications for Farms under Special Programs.—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. Destruction of foods, fibers, and feed grains.—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. Payments Restricted to Effectuation of Purposes of the Program.—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. Deductions for Increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.—A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II, *Provided, however, that if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres.*

B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made

from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of section 2, part II.

C. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus the acreage (not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of \$3.00 for each acre of cotton diverted for payment in excess of such acreage of soil-conserving crops.

SEC. 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. Practices Not Qualifying for Payment. A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No Payment will be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. Association Expenses.—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. Application and Eligibility for Payment. A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. Land to be Covered by Work Sheet.—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a

single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownership, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII.—Establishment of Bases

SEC. 1. Total Soil-Depleting Base.—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 agricultural conservation program, such total soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 agricultural conservation program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 agricultural conservation programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 agricultural conservation program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the total soil-depleting bases established

in a county to the acreage of crop land on all the farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. General Soil-Depleting Base.—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops except cotton. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the cotton soil-depleting base.³

SEC. 3. Cotton Soil-Depleting Base.—A. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. If for causes other than flood, drought, or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for the farm in 1936, the cotton soil-depleting base for 1937 shall be adjusted downward by the county committee to an acreage not less than 154 percent of the 1936 planted acreage.

C. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil-depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

D. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county or other specified area by the Agricultural Adjustment Administration.

SEC. 4. Soil-Conserving Base.—The soil-conserving base shall be equal to the total acreage of crop land less the total soil-depleting base and the acreage in commercial orchards.

SEC. 5. Establishment of Grazing Capacity.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII.—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. Soil-depleting Crops.—Land devoted to any of the following crops shall be regarded as used for the production

of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, section 2, and under item f, section 3 of this Part VIII.

b. Corn (field, sweet, and popcorn).

c. Potatoes.

d. Sweet potatoes.

e. Sugar beets.

f. Peanuts.

g. Root crops grown for feed.

h. Hemp.

i. Cultivated sunflowers.

j. Mustard (commercial).

k. Rape.

l. Truck and vegetable crops and their seeds; melons and strawberries.

m. Grain sorghums, sweet sorghums, broom corn and sudan grass harvested for seed, grain or hay.

n. Millets.

o. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas harvested for seed, hay or pastured, except as indicated under items e and f, section 3 of this Part VIII.

SEC. 2. Soil-Conserving Crops.—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, strawberry, Ladino, Mammoth, crimson, bur, and sour clovers; sericea; lespedeza; kudzu.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's Canary grass and velvet grass.

b. Green manure crops consisting of annual and biennial legumes when turned under in 1937, after attaining at least two months' growth.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. Neutral Uses.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Cultivated fallow.

d. Bulbs and nursery stock.

e. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

Part IX.—Appeals

SEC. 1. Appeals from Determinations of County Committee.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is

³ Under the terms of the 1937 program the sugar beet acreage is included in the general soil-depleting base.

reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-542; Filed, February 24, 1937; 12:33 p. m.]

WR-B-101—California

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—CALIFORNIA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—California, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in California, the following terms shall have the meaning ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in California.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable, a state, a political subdivision of a state, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or

a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Share cropper means a person who works a farm, in whole or in part, under the general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Crop land means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards, other than those abandoned.

Total soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Cotton soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of cotton.

Rice soil-depleting base means the number of acres allocated to the farm for the production of rice in 1937.

General soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton and rice soil-depleting bases. Such general soil-depleting base shall be determined by subtracting the sum of the cotton and rice soil-depleting bases from the total soil-depleting base for the farm.

Soil-conserving base means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

Rice payment means a payment made with respect to rice for the production of soil-conserving crops or for practices carried out with relation to rice and may be referred to as a Class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation,

ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

General diversion farm means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 per cent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

Diversion farm means any general diversion farm, or any farm with respect to which a cotton or rice soil-depleting base is established.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion, Sugar Beet and Rice Payments

Payment will be made in connection with the utilization in 1937, of the land on any farm in the State of California at the rates and subject to the conditions set forth herein:

SECTION 1. General Diversion Payments.—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.²

SEC. 2 Cotton Diversion Payment.—Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base, except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

SEC. 3. Rice Payment.—Payment will be made with respect to any farm on which rice is grown in 1937 to each producer participating in the production of such rice, in an amount equal to 20 cents for each 100 pounds of the producer's domestic consumption quota of rice, or such part thereof as may be applicable under the provisions hereinafter set forth; provided, an acreage of rice land equal to not less than 25 percent of the producer's base rice acreage is devoted to soil-conserving crops by the producer in 1937.

A. In the event the acreage planted to rice by the producer in 1937 is equal to not less than 85 percent nor more than 100 percent of his base rice acreage, payment will be

made on the full amount of the producer's domestic consumption quota of rice;

B. In the event the acreage planted to rice by the producer in 1937 is less than 85 percent of his base rice acreage, payment will be made on that portion of the producer's domestic consumption quota of rice which is equal to the ratio that the producer's 1937 acreage planted to rice bears to 85 percent of such producer's base rice acreage;

C. In the event the acreage planted to rice by the producer in 1937 is equal to more than 100 percent but not more than 125 percent of his base rice acreage, payment will be made on that portion of the producer's domestic consumption quota of rice which is equal to the ratio that 125 percent of such producer's base rice acreage minus the producer's 1937 acreage planted to rice bears to 25 percent of such producer's base rice acreage.

SEC. 4. Sugar Beet Payment.—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. A green manure or cover crop is planted on not less than 80 percent of the acreage of sugar beets grown in 1937 immediately following the harvest of the sugar beets, and is turned under in the fall or winter after 90 days' unpastured growth; or

C. A green manure or cover crop was turned under on not less than 80 percent of the acreage planted to sugar beets in 1937 immediately preceding the planting of the sugar beets; or

D. Sugar beets are grown in 1937 only on land devoted to perennial or biennial legumes in 1936; or

E. The total acreage planted to sugar beets in 1937 is qualified under a combination of A, B, C, or D above; or

F. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets. Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III—Rates and Conditions of Soil-Building Payments

SEC. 1. Soil-Building Practices and Rates.—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this

¹ Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

Section shall not be eligible for payment unless such practices are carried out in a locality where in the determination of the State Committee such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage, except that payments will be made for any one of the practices prescribed in Items A, B, C, D, E, F, or L in addition to the practices prescribed in Items M or P of section 1 of this Part III.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial legumes*, including alfalfa, ladino, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial legumes* (except sweet clover), including red, alsike, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

C. *Sweet Clover*, and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on crop land in 1937 under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

D. *Perennial grasses*, including Harding, orchard, brome, wheat grasses (except crested wheat-grass), Rhodes, rye grasses, Reed's canary, timothy, redtop, meadow fescue, and Dallis grasses, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

E. *Mixtures of perennial and biennial legumes and perennial grasses* as are recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, when seeded under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

F. *Crested Wheat Grass* seeded on crop land in 1937: \$3.00 per acre.

G. *Restoration of Land to Native Grasses* on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; provided, that (1) The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) Approval has been obtained from the County Committee; (3) Such land is not pastured, cropped or tilled in 1937, and (4) Any volunteer growth containing noxious weeds is clipped before formation of viable seeds: \$0.25 per acre.

H. *Cover and Green Manure Crops*.—

1. Winter crops, including Vetches—common (Oregon, spring), purple, hairy (sand, winter, Russian, Siberian), calcarata (Bard), smooth, wooly pod, monantha; horse beans; Tangier peas; Wedge peas; Field peas—Canadian yellow, Austrian winter; Clovers—sour, white, hubam, bur, berseem; Fenugreek; Mustards—white, black, Trieste; white malva; and such other winter cover and green manure crops as are approved by the Director of the Western Division, when grown on crop land in 1937, and (a) if turned under in 1937 after having attained at least 90 days' unpastured growth, or (b) if pastured and turned under in 1937 shall have attained at least 60 days' growth before pasturing and 30 days' growth after pasturing before turned under, or (c) if interplanted in orchards may be allowed to mature provided the vegetation is incorporated into the surface soil in 1937 and no part thereof is removed from the land where grown, either mechanically or by pasture: \$2.00 per acre.

2. Summer crops, including soybeans, cowpeas, Dolichos; blackeye, Hopi lima, pink velvet, mat, and mung beans, calcarata and smooth vetches, guar, sesbania, and such other summer cover crops as are approved by the Director of the Western Division when seeded and grown on irrigated crop land in 1937, and (a) if turned under in 1937 before maturity after having attained at least 60 days' unpastured growth, or (b) if clipped in 1937 providing the clippings were not raked or removed from the land where grown, either mechanically or by pasture, or (c) if partially pastured and turned under in 1937, such pasturing was not started until after such crops were in bloom, not more than one half of the total growth was removed by pasturing, and the balance turned under in 1937 before reaching maturity: \$2.00 per acre.

3. Volunteer cover and green manure crops when grown in 1937 on crop land which was seeded to a soil-depleting crop for harvest in 1936, if a stand equivalent to a seeded cover crop is turned under after March 1, 1937, but prior to May 1, 1937, without pasturing, and no soil-depleting crop is seeded for harvest in 1937 on such land: \$1.00 per acre.

4. Volunteer cover and green manure crops when grown in 1937 in grain stubble, if a stand equivalent to a seeded cover crop is turned under in 1937, providing (a) the stubble was not plowed or burned following the harvest

of the soil-depleting crop, and (b) no soil-depleting crop is seeded in 1937 on such land: \$0.50 per acre.

5. Planned volunteer cover and green manure crops consisting of Mustards—white, black, Trieste; white malva; annual clovers and mixtures thereof, and such other crops as are approved by the Director of the Western Division when grown in 1937 in commercial orchards and other perennial plantings including hops, asparagus and artichokes, if a stand equivalent to a seeded crop is turned under prior to June 1, 1937, providing, the volunteer growth is the result of practices followed in previous years of allowing the seed of such crops to mature and reseed before turning under: \$1.50 per acre.

I. Renovation of Orchard Lands.—

1. Seeding and establishment in 1937 of a good stand of perennial legumes or perennial grasses or mixtures thereof on irrigated crop land from which fruit and nut trees have been removed; if, (a) the main roots are removed, (b) the land is regraded prior to seeding, and (c) prior approval of the county committee is obtained: \$5.00 per acre.

2. Seeding and establishment in 1937 of a good stand of perennial legumes or perennial grasses or mixtures thereof on irrigated crop land from which vineyards, and bush and small fruits, not including strawberries, artichokes, asparagus or hops, have been removed; if, (a) the crop residue, including root stocks, are removed, (b) the land is regraded prior to seeding, and (c) prior approval of the County Committee is obtained: \$4.00 per acre.

J. Addition of Organic Matter.—In orchards, vineyards and other perennial plantings including hops, artichokes, and asparagus.

1. For the application and mechanical incorporation of legume straw into the surface soil in 1937: \$0.75 per ton, not to exceed \$3.75 per acre.

2. For the application and mechanical incorporation of non-leguminous straw into the surface soil in 1937: \$0.50 per ton, not to exceed \$2.50 per acre.

K. Windbreaks.—

1. When forest trees are planted on crop land in 1937, if not less than 400 trees are planted per acre: \$10.00 per acre.

2. When species of forest trees approved by the State Committee are planted in 1937 in rows as windbreaks for citrus or deciduous fruit orchards in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura Counties, if the trees are irrigated periodically after planting, and the interspaces are cultivated sufficiently frequent to control volunteer growth, as follows:

a. In single rows, if the trees are spaced not more than 5 feet apart in single rows not less than 330 feet apart: \$0.25 per rod-row.

b. In double rows, if the trees are spaced not more than 8 feet apart in rows not more than 8 feet apart with double rows not less than 330 feet apart: \$0.35 per rod of double row.

3. When rye and such other small grains as are approved by the Director of the Western Division are grown in 1937 in strips not less than 4 feet in width on crop land to prevent soil drifting on adjoining crop land, if such crops are not harvested for grain, hay or pastured in 1937: \$0.01 per linear rod, not to exceed \$0.30 per acre of alternate strips and crops.

L. Reseeding Non-Crop Pasture Land.—For reseeding depleted non-crop pasture land in 1937 with good seed of adapted varieties of perennial grasses including western rye, crested wheat, Harding, orchard, meadow fescue and tall oat grasses, or mixtures thereof, and such other perennial grasses or mixtures as are recommended by the State Experiment Station and approved by the State Committee: \$0.15 per pound of seed sown not to exceed \$1.50 per acre.

M. Establishment of Terraces on crop land in 1937 provided, however, that plans for the proposed terracing proj-

ect are approved in advance by the County Committee: \$0.40 per 100 linear feet of terrace constructed.

N. Perennial Weed Control.—

1. Chemical treatment, including petroleum, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by the application of chemicals or petroleums in accordance with specifications issued by the Director of the Western Division: \$10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by bi-weekly cultivations in accordance with specifications issued by the Director of the Western Division: \$5.00 per acre.

3. Flooding, when after determining that possible seepage will not cause damage to adjacent land, and after obtaining the prior approval of the County Committee, seriously infested areas are controlled by cultivation prior to immersing, by surrounding such areas by dikes, and continuous flooding for a period not less than 60 days at a depth sufficient to keep all green growth submerged at all times: \$5.00 per acre.

O. Planting of Sod Pieces.—For the planting of sod pieces of perennial grasses in 1937, provided the sod pieces are not less than 2 inches thick and in blocks not less than 4 inches square, if planted in rows not more than 4 feet apart with the pieces at intervals of not more than 4 feet in the row and set approximately level with the surface soil: \$4.00 per acre.

P. Prevention of Water Erosion.—When, after prior approval by the County Committee of proposed plans submitted by the operator, water erosion control practices are carried out in 1937, as follows:

1. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed at intervals so as to result in vertical distances between the furrows, not to exceed one-foot drop on 2 percent slope, two-foot drop on 4 percent slope, three-foot drop on 8 percent slope, or four-foot drop on 12 percent slope: \$0.05 per 100 linear feet of furrowing, not to exceed \$2.00 per acre.

2. For constructing and maintaining permanent dams for diversion of flood waters, or for filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate dams to prevent washing out: \$0.15 per cubic yard of fill or construction.

Q. Contour Cultivation.—When contour listing or contour subsoiling is carried out in 1937 on crop land subject to erosion in accordance with specifications issued by the Director of the Western Division: \$1.00 per acre.

Sec. 2. Soil-Building Allowance.—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,³ for each acre diverted for payment from the general soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,² for each acre devoted to commercial orchards on the farm.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

³ Payment for the adoption of perennial weed control practices shall be limited to control of the following noxious weeds: Alkali mallow, Austrian field cress, Bermuda grass, Canada thistle, Hoary cress, Klamath weed, Johnson grass, Morning glory, Nut grass, Puncture vine, and Russian knapweed.

4. \$1.00 for each acre of commercial orchards on the farm.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season; *Provided, however*, if the normal pasture season is ten months or more, the rate shall be \$1.00 for each animal unit in excess of five.

B. For a non-diversion farm, \$20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season; *Provided, however*, if the normal pasture season is ten months or more, the rate shall be \$1.00 for each animal unit in excess of five.

Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: \$50.00 per spring or seep.

B. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

C. *Wells.*—For drilling or digging of wells, including deepening of existing wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: \$1.00 per linear foot.

D. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, or the equivalent thereof, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

E. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses, as follows:

1. Crested Wheat Grass in Lassen, Modoc, Plumas, Sierra and Siskiyou Counties only, provided such range land is used exclusively in 1937 for the grazing of range livestock: \$0.20 per pound of seed sown.

2. Western Rye, Harding, Orchard, Meadow Fescue, Tall Oat Grasses, or mixtures thereof, in Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, Marin, San Mateo, and

Santa Cruz Counties only, provided such range land is used exclusively in 1937 for the grazing of range livestock: \$0.15 per pound of seed sown.

F. *Fireguards.*—

1. For the establishment of fireguards, not less than six feet in width, by plowing furrows or otherwise exposing the mineral soil: \$0.04 per 100 linear feet.

2. For the establishment of fireguards on perennial brush land prior to June 1, 1937, not less than eight feet in width, by slashing and removing the brush: \$0.12 per 100 linear feet.

G. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching for the purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing (See Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture): \$0.10 per 100 linear feet of permanent ditching.

H. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if, (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

I. *Tanks and Troughs.*—For constructing or installing permanent wooden, metal, or concrete tanks or troughs for watering range livestock at points remote from the primary source of stock water in order to conserve range forage adjacent to such water source, or to prevent damage to such forage by migration of the livestock, when installations are carried out in accordance with specifications approved by the Director of the Western Division: \$0.25 per cubic foot capacity, not to exceed \$25.00 each.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in acreage of soil-depleting crops or for deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to the cotton acreage diverted for payment.

SEC. 4. *Eligibility for Payment.*—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: *Provided*, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

Part V—Division of Payments

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet, rice and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however*, That

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. 1937 Owner or Operator Entitled to Payments.—All payments except sugar beet, rice and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

Part VI—General Conditions for Payment

SEC. 1. Modifications for Farms under Special Programs.—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. Destruction of Foods, Fibers, and Feed Grains.—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. Payments Restricted to Effectuation of Purposes of the Program.—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. Deductions for increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.—A. If the 1937 acreage of soil-depleting crops, except cotton and rice, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II; *Provided, however, That if the general soil-depleting*

base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton and rice, in excess of 20 acres.

B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of Section 2 of Part II.

C. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus any acreage (not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of \$3.00 for each acre of cotton diverted for payment in excess of such acreage of soil-conserving crops.

D. In the event the acreage planted to rice by a producer participating in the production of rice in 1937 is in excess of 125 percent of his base rice acreage, a deduction will be made from any payments which otherwise would be made to such producer in an amount obtained by multiplying the number of acres planted to rice by such producer in 1937 in excess of 125 percent of his base rice acreage by the rate per acre determined under the provisions of Section 1 of Part II.

E. If the acreage of riceland devoted to the production of soil-conserving crops by a producer participating in the production of rice in 1937 is less than 25 percent of his base rice acreage, any payment that otherwise would be made to such producer with respect to rice shall not exceed that percentage of any amount determined under the provisions of Section 3 of Part II which is computed by dividing the actual acreage of riceland devoted to the production of soil-conserving crops by the producer in 1937 by 25 percent of his base rice acreage.

SEC. 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld, in whole or in part, and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. Practices Not Qualifying for Payment.—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. Association Expenses.—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county, the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment

(prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VIII.—Establishment of Bases

SEC. 1. *Total Soil-depleting base.*—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such total soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with total soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland on all farms in the county, the ratio of total soil-depleting bases established to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Cotton Soil-Depleting Base.*—A. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming and farming practices.

B. If for causes other than flood, drouth or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for 1937 shall be adjusted downward by the County Committee to an acreage not less than 154 percent of the 1936 planted acreage.

C. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil-depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

D. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county or other specified area by the Agricultural Adjustment Administration.

SEC. 3. *Rice Soil-Depleting Base.*—There shall be established as part of the total soil-depleting base for the farm a rice soil-depleting base which shall be equal to that number of acres allocated to the farm by each producer participating in the production of rice on such farm from each such producer's base rice acreage.

SEC. 4. General Soil-Depleting Base.⁴—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops, except cotton and rice. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the sum of the cotton and rice soil-depleting bases.

SEC. 5. Soil-Conserving Base.—The soil-conserving base shall be equal to the total acreage of cropland less the total soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 6. Establishment of Grazing Capacity.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

SEC. 1. Soil-Depleting Crops.—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

- a. Corn (field, sweet and popcorn).
- b. Potatoes.
- c. Sweetpotatoes and yams.
- d. Sugar beets for sugar or seed.
- e. Cultivated sunflowers.
- f. Annual truck, canning, and vegetable crops, and their seeds.
- g. Melons.
- h. Sorghums, including sudan grass, milo maize, Egyptian corn, broom corn, and other grain and sweet sorghums, for seed, grain, hay, or pasture.
- i. Small grains including flax for grain or hay; or pasture, except as classified under Item a of Section 2 of Part VIII.
- j. Millets.
- k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture, or canning purposes, except as classified under Item b of Section 2 of Part VIII.
- l. Root crops grown for feed or seed.
- m. Cotton.
- n. Rice.
- o. Fiber plants including hemp.
- p. Commercial Mustard.
- q. Tobacco.
- r. Annual cut flowers and their seeds.
- s. Peanuts.
- t. Volunteer grains when cut for hay or grain.

SEC. 2. Soil-Conserving Crops.—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year:

- a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director

of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa, sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; lespedeza; vetches; Austrian winter peas; and mixtures thereof.

2. Grasses: Bluegrass, orchard, wheatgrasses, rye-grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass, velvet, Harding, Dallis, Rhodes, brome, buffalo, and grama grasses, and mixtures thereof.

3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

b. Cover and green manure crops, consisting of annual, biennial and perennial legumes; rye, barley, oats, and grain mixtures; mustards—white, black, Trieste; white malva; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth.

c. Forest trees when planted on cropland since January 1, 1934.

d. Cropland adapted to the production of rice for which water is readily available and on which no soil-depleting crop is grown for harvest in 1937. (This classification is applicable only with respect to the payments which are made with respect to rice.)

e. Volunteer grain and legume mixtures used for pasture in 1937.

SEC. 3. Neutral Uses.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, tree fruits, nut trees, bush, and small fruits, including strawberries, regardless of the use of the land between the rows.

b. Perennial vegetables, including asparagus, artichokes, horse-radish, and rhubarb.

c. Nursery stocks, including perennial ornamentals and perennial cut flowers, and their seeds.

d. Guayule.

e. Bulbs.

f. Idle cropland including idle fallow, except as classified under Item d of Section 2 of Part VIII.

g. Cultivated summer fallow, except as classified under Item d of Section 2 of Part VIII.

h. Cropland planted to forest trees between January 1, 1930, and January 1, 1934.

i. Hops.

Part IX—Appeals

SEC. 1. Appeals from Determinations of County Committee.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-543; Filed, February 24, 1937; 12:33 p. m.]

WR—B-101—Colorado

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—COLORADO

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a)

⁴ Under the terms of the 1937 Agricultural Conservation Program the sugar beet acreage is included in the general soil-depleting base.

of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Colorado, and such modification or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Colorado, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Colorado.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable, a state, a political subdivision of a state, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Crop land means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on

January 1, 1937 to orchards or vineyards other than those abandoned.

Soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Soil-conserving base means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base, and may be referred to as a Class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land other than cropland or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

Diversion farm means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee the Secretary may designate, for any county, or other area, a different basis for determining diversion farms.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, vineyards, or bush fruits, on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes, sweet-potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Colorado at the rates and subject to the conditions set forth herein.

¹ Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

SECTION 1. Diversion Payments.—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.²

SECTION 2. Sugar Beet Payments.—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets:

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce, 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvesting in the United States in 1937.

Part III—Rates and Conditions of Soil-Building Payment

SECTION 1. Soil-Building Practices and Rates.—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for practices prescribed in Item A, Item B, Item C, Item D, or Item E of Section 1, in addition to the practices prescribed in Item G, or Item K; and payments will be made for the practice prescribed in sub-item 1 of Item M in addition to the practice prescribed in sub-item 2 of Item M.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial Legumes including alfalfa, white clover, red clover, alsike clover, and such other perennial legumes as are approved by the Director of the Western Division.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 Per Acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.50 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Perennial Grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses, (except crested wheat grasses) rye grasses, timothy, redtop, and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 Per Acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Sweet Clover: Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 Per Acre.

2. Seeding on crop land under either of the following conditions: \$1.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Crested Wheat Grass seeded on cropland in 1937: \$3.00 Per Acre.

E. Mixtures of Perennial and Biennial Legumes and Perennial Grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 Per Acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Planting of Sod Pieces of Perennial Grasses.—

1. The planting of sod pieces of approved perennial grasses between February 1, 1937, and October 31, 1937, the sod pieces to be cut to a depth of approximately two inches and in blocks not less than four inches square. The sod pieces are to be planted in rows not more than four feet apart with the pieces at intervals of not more than four feet in the row and set approximately level with the surface soil: \$4.00 per acre.

G. Green Manures—Legumes—when soybeans, cowpeas, or field peas are seeded on cropland between January 1,

1937, and July 31, 1937, and plowed under after attaining at least two months growth; provided, however, that when planted in orchards or vineyards the entire growth may be allowed to remain on the land without turning under: \$2.00 Per Acre.

H. Winter Cover Crops—Legumes—when winter vetch or crimson clover is grown preceding or following a vegetable crop or in an orchard or vineyard, in 1937, and plowed under after attaining at least two months' growth: \$2.00 Per Acre.

I. Winter Cover Crops—Non-Legumes—when winter barley or rye is grown preceding or following a vegetable crop or in an orchard or vineyard in 1937, and plowed under after attaining at least two months' growth: \$1.00 Per Acre.

J. Addition of Organic Material in orchards and vineyards at a rate of not less than five tons dry weight per acre, between February 1, 1937, and October 31, 1937, provided such organic material is mechanically incorporated into the soil: \$5.00 per acre.

K. Establishment of terraces on cropland in 1937, provided, however, plans for the terracing project are approved in advance by the County Committee: 40 cents per 100 linear feet.

L. *Forest Trees.*—

1. Planting of trees on cropland in 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock, with not less than 200 living trees per acre at the time performance is checked: \$10.00 Per Acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 Per Acre.

M. In the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Douglas, Elbert, El Paso, Huerfano, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, Yuma, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough-cloody surface, reasonably free from volunteer growth. First tillage operation to be performed prior to June 15, 1937: \$0.50 per acre.

2. Establishment of strip cropping and fallow, the fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width, with intervening strips of small grain crops, sorghum or sudan grass, close drilled or broadcast, or small grain stubble, provided, however, at least one third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or the acreage devoted to crop (or stubble), whichever is the smaller, and only with respect to the acreage of strip cropping and fallow which is in addition to the acreage used for that practice in 1936: \$1.00 Per Acre.

3. Contour listing of cropland in the process of natural reseeding to native pasture; provided, however, that sufficient natural cover is maintained to insure protection against wind erosion, and such land is not grazed in any manner whatsoever in 1937: \$1.00 Per Acre.

4. Restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; provided; (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county

committee; and (3) such land is not pastured, cropped, or tilled in 1937: \$0.25 Per Acre.

5. Fall or winter listing of cropland at approximately right angles to the prevailing winds to control wind erosion, in such manner, and time of listing as are approved in advance by the County Committee: \$0.25 Per Acre.

6. Planting of cover crops to control wind erosion:

Sudan grass or sweet sorghums when planted in rows not greater than 42 inches apart or any sorghum or Sudan grass when close drilled or broadcast: *provided, however,* that no portion of the crop is harvested or pastured in any manner whatsoever. The county committee shall approve this practice only when the prior approval of the community committee has been obtained: \$2.00 Per Acre.

N. The Following Practices Will be Applicable only to Non-Crop Pasture Acreage:

1. For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses. Payment not to exceed \$2.00 per acre: \$0.20 per pound of seed sown.

2. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

O. *Perennial Noxious Weeds*² Control.—When after the approval of the County committee, seriously infested plots of weeds listed below are controlled by periodic cultivation or chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: \$10.00 Per acre.

2. Periodic cultivation: \$5.00 Per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States² for each acre diverted for payment from the general soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States² for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from average productivity of all such cropland in the United States for each acre of cropland on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

³ Perennial Noxious Weeds shall include: Canadian thistle, bindweed, or wild morning glory, leafy spurge, Russian knapweed, white top or hoary cress and white ragweed.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

Part IV—Rates and Conditions of Range-Building Payments

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937, such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution;

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: \$50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir. \$1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, subsurface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture.) \$0.10 per 100 linear feet of permanent ditching.

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched. \$0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: \$0.15 per acre.
2. Prairie Dogs: \$0.07½ per acre.
3. Ground Squirrels: \$0.06 per acre.

H. *Reseeding.*—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses as follows: \$0.20 per pound of seed sown:

1. Crested Wheat Grass.
2. Slender Wheat Grass.
3. Western Wheat Grass.
4. Brome Grass.

I. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the graz-

ing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deduction for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

Part V—Division of Payments

SECTION 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beets and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however, that*—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants, in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and approved by the county committee, or as is determined by the county committee in the absence of such agreement.

Part VI—General Conditions for Payment

SECTION 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties

or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

SEC. 2. Destruction of Foods, Fibers, and Feed Grains.—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. Payments Restricted to Effectuation of Purposes of the Program.—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. Deductions for Increase in Acreage of Soil-Depleting Crops.—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section I, Part II; *Provided, however*, That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. Practices Not Qualifying for Payment.—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal Agency.

SEC. 7. Association Expenses.—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such Counties the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. Application and Eligibility for Payment.—A. Payments will only be made upon application filed with the

county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other persons as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining Counties shall be regarded as located in the County in which the principal dwelling thereon is located, or, if there is no such principal dwelling, on such farming or ranching unit, shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. Land to be Covered by Work Sheet.—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SECTION 1. Soil-depleting Base.—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classification, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops, seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the "aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. Soil-Conserving Base.—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. Establishment of Grazing Capacity.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodent and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SECTION 1. Soil-depleting Crops.—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

- a. Small grains including flax, except as indicated under item a of section 2 and item d of section 3 of this part VIII.
- b. Corn (field, sweet, and popcorn).
- c. Potatoes.
- d. Sugar Beets.
- e. Root crops grown for feed.
- f. Cultivated sunflowers.
- g. Mustard (commercial).
- h. Rape.
- i. Truck and vegetable crops and their seed, melons and strawberries.
- j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.
- k. Millets.
- l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay except as indicated under item d of section 3 of this part VIII.

SEC. 2. Soil-Conserving Crops.—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any

land devoted to a soil-depleting crop in the same year (within the meaning of section 1, part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and grasses and such other legumes and grasses as may be approved by the Director of the Western Division when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay: alfalfa, alsike clover, sweet clover, red clover, bluegrass, orchard grass, brome grass, Bermuda grass, buffalo grass, wheat grasses, rye grasses, timothy, and red top.

b. Forest trees planted on cropland since January 1, 1934.

SEC. 3. Neutral Uses.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Idle cropland.

b. Cultivated fallow.

c. Artichokes, bulbs, nursery stocks.

d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided such use of land shall have been approved by the County Committee prior to May 1, 1937.

e. Orchards, vineyards, nut trees, and bush fruits.

f. Small grains seeded as a winter crop and pastured, but not harvested for grain or hay.

Part IX—Appeals

SECTION 1. Appeals from determinations of County Committee.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-544; Filed, February 24, 1937; 12:33 p. m.]

WR—B-101—Idaho

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—IDAHO

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of Section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Idaho, and such modification or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western

Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Idaho, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

State committee or State agricultural conservation committee means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Idaho.

County committee or county agricultural conservation committee means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State or any agency thereof or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Cropland means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Soil-conserving base means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland, excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government or any agency thereof, in which a range operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

Diversion farm means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the county committee and the State committee, the Secretary may designate for any county or other area, a different basis for determining diversion farms.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweet potatoes, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Idaho at the rates and subject to the conditions set forth herein.

SECTION 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.²

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the

¹ Two yearlings equal one cow or one horse. A calf or colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III.—Rates and Conditions of Soil-Building Payment

Sec. 1. Soil-Building Payment.—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building practice allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial legumes including alfalfa, red clover, white clover, Ladino clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes (except red clovers and sweet clovers) including alsike, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions, \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Perennial grasses including blue grass, orchard, brome, rye grasses, bent grass, fescues, tall oat grass, and wheat grasses except crested wheat grass and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Crested Wheat Grass seeded on cropland in 1937: \$3.00 per acre.

F. Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on cropland under either of the following conditions: \$1.00 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. Reseeding Farm Pastures.—When perennial grasses or perennial legumes, or mixtures thereof, are seeded on pasture land in 1937: \$0.20 per lb. of seed sown. *Payment will not be made in excess of \$2.00 per acre.*

H. Winter wheat or rye when seeded in the spring on non-irrigated cropland before June 15, 1937, and utilized only as a cover crop or pastured: \$1.00 per acre.

I. Forest Trees.—

1. Planting of trees on cropland in 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock and with not less than 200 living trees per acre at the time performance is checked: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacements of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 per acre.

J. Green Manure Crops.—

1. When field peas or rye are grown on cropland in 1937 and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed, or canning purposes.

a. Irrigated land:

1. Rye: \$1.00 per acre.
2. Peas: \$2.00 per acre.

b. Non-irrigated land:

1. Rye: \$0.50 per acre.
2. Peas: \$0.50 per acre.

K. Perennial Noxious Weed Control.—

1. When, after the approval of the county committee, seriously infested plots of the weeds listed below are controlled by periodic cultivation or by chemical treatment in accordance with specifications issued by the Director of the Western Division.

- a. Chemical treatment: \$10.00 per acre.
- b. Periodic cultivation: \$5.00 per acre.

This practice is limited to the following weeds:

- Canada thistle.
- Bind weed or wild morning glory.
- White top or Hoary cress.
- Leafy spurge.
- Russian knapweed.

L. Controlled fallow.—

1. *Trashy Fallow*.—When cropland is summer fallowed in such manner as to have all crop residues on or near the surface of the soil to prevent soil erosion from wind or water, and no straw or stubble is burned or otherwise removed from such land: \$0.50 per acre.

2. *Establishment of Strip Cropping and Fallow*.—When summer fallow is performed in 1937 in strips not more than 10 rods in width, approximately at right angles to the prevailing winds, alternated with strips of small grain crops or stubble of equal width. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: \$0.50 per acre.

3. *Establishment of Contour Strip Cropping and Fallow*.—When summer fallow is performed in 1937 in strips not more than 10 rods in width, alternated with strips of small grain crops or stubble of equal width, strips to follow the contour of the field, without the burning of stubble or crop residues. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: \$0.75 per acre.

M. Restoring to native grass land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass: *Provided*: (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county committee; (3) such land is not pastured, cropped or tilled in 1937; and (4) any volunteer growth containing noxious weeds is clipped before seed is formed: \$0.25 per acre.

N. Removal of all trees in abandoned orchards and seeding to legumes and grasses. For removal of all trees in abandoned orchards, followed by the seeding and establishment of a good stand of perennial grasses or legumes in 1937. All holes to be filled and leveled: \$5.00 per acre.

O. Application of Soil Amendments.—

1. Gypsum, in Northern Idaho counties of Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Idaho, and Lewis, when applied to cropland in 1937, in an amount not less than 200 pounds per acre and in connection with new seedings of legumes or legume-grass mixtures: \$2.00 per acre.

2. When superphosphate is applied to new seedings of perennial legumes or legume-grass mixtures in 1937, at a rate not less than 60 pounds available P_2O_5 per acre: \$2.25 per acre.

SEC. 2. Combinations of Practices for Soil-Building Payments on the Same Acreage.—Payments will not be made for more than one soil-building practice carried out on the *same acreage* except as follows:

a. Any one of the practices specified in items A, B, C, D, E, and F in addition to the practice specified in item L-1.

b. Any one of the practices specified in items A, B, and D in addition to either of the practices specified in items O-1 or O-2.

c. The practice specified in item L-1 in addition to either of the practices specified in items L-2 or L-3.

SEC. 3. Soil-Building Allowance.—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,² for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,² for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of cropland on which one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which *two or more crops* of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is ten months or more the rate shall be \$1.00 for each animal unit in excess of five.

B. For a non-diversion farm \$20.00 or the sum of the following items whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which *two or more crops* of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is 10 months or more the rate shall be \$1.00 for each animal unit in excess of five.

Part IV.—Rates and Conditions of Range-Building Payments

SEC. 1. Range-Building Practices and Rates.—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Contouring.—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2 percent, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. Development of springs and seeps.—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: \$50.00 per spring or seep.

C. Earthen pits or reservoirs for holding run-off and impounding precipitation.—For constructing earthen pits or reservoirs with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. Wells.—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: \$1.00 per linear foot.

E. Water Spreading to Prevent Soil Washing.—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture): \$0.10 per 100 linear feet of permanent ditching.

F. Range Fences.—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced and with wires tightly stretched: \$0.30 per rod.

G. Rodent Control.—For destroying at least ninety percent of the range-destroying rodents on an infested area, as follows:

1. Pocket gophers: \$0.15 per acre.
2. Ground squirrels: \$0.06 per acre.

H. Reseeding.—For reseeding depleted range land with good seed of adapted varieties of perennial grasses as follows, \$0.20 per pound of seed sown:

1. Brome grass.
2. Crested wheat grass.
3. Slender wheat grass.
4. Western wheat grass.

I. Fire Guards.—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: \$0.03 per 100 linear feet.

J. Railing Sagebrush.—For destroying sagebrush by use of railroad rails or by other mechanical methods that result in the destruction of at least 75 percent of the sagebrush cover: \$0.50 per acre.

K. Natural Reseeding by Deferred Grazing.—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. Range-Building Allowance.—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. Range-Building Payment.—Payments made for carrying out range-building practices shall not be subject to deductions for increase in the acreage of soil-depleting crops.

SEC. 4. Eligibility for Payment.—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators. Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

Part V—Division of Payments

SEC. 1. Division of Payments Between Owner and Operator.—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; Provided, however, that

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. 1937 Owner or Operator Entitled to Payments.—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the County Committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the County Committee, or as is determined by the County Committee in the absence of such agreement.

Part VI—General Conditions for Payment

SEC. 1. Modifications for Farms Under Special Programs.—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area. On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration,

payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, Part II; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the County Committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State Committee a list of all such land.

B. An application for payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities

ties, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the soil-depleting bases established in a county to the acreage of crop land on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. Soil Conserving Base.—The soil-conserving base shall be equal to the total acreage of crop land less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. Establishment of Grazing Capacity.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density or growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. Soil-Depleting Crops.—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, Section 2, and under items d, f, and g, of Section 3 of this Part VIII.

b. Corn (field, sweet, and popcorn).

c. Potatoes.

d. Sweet potatoes.

e. Sugar beets.

f. Root crops grown for feed.

g. Hemp.

h. Cultivated sunflowers.

i. Mustard (commercial).

j. Rape.

k. Truck and vegetable crops and their seeds; melons and strawberries.

l. Grain sorghums, sweet sorghums, broom corn and sudan grass harvested for seed, grain, or hay.

m. Millets.

n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas harvested for seed, hay, or pastured, except as indicated under item e, of Section 3 of this Part VIII.

o. Flowers and their seeds.

p. Kale.

q. Annual grasses including Italian rye grass and *Bromus Seccalinus*.

r. Cultivated fallow (summer fallow) except as provided in item e, of Section 3 of this Part VIII.

SEC. 2. Soil-Conserving Crops.—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: alfalfa; sweet, red, alsike, white, strawberry, Ladino, mammoth, crimson and sour clovers; vetch, Austrian winter peas; sericea; lespedeza; kudzu.

(2) Grasses: Blue grass, orchard, brome, wheat grasses, rye grasses, timothy, red top, bent grasses, fescues, tall oat grass, Reed's canary grass.

b. Green manure crops, including annual legumes, rye, when turned under in 1937, after attaining at least two months' growth, when not followed by summer fallow.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. Neutral Uses.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936: *Provided*, such use of land shall have been approved by the County Committee prior to May 1, 1937.

g. Winter wheat or rye seeded in the spring for cover crop purposes.

Part IX—Appeals

SEC. 1. Appeals from Determinations of County Committee.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-545; Filed, February 24, 1937; 12:34 p. m.]

WR—B-101—Kansas

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Do-

mestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Kansas, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Kansas, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Kansas.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable, a state, a political subdivision of a state or any agency thereof or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Crop land means all farm land which has been tilled and from which at least one crop other than wild hay was har-

vested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Total soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Cotton soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of cotton.

Tobacco soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of tobacco.

General soil-depleting base means the total number of acreage established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton and tobacco soil-depleting bases. Such general soil-depleting base shall be determined by subtracting the sum of the cotton and tobacco soil-depleting bases from the total soil-depleting base.

Soil-conserving base means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base, and may be referred to as a Class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices, and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land other than cropland or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

General diversion farm means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

Diversion farm means any general diversion farm, or any farm with respect to which a cotton or tobacco soil-depleting base is established.

¹ Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Kansas at the rates and subject to the conditions set forth herein.

SECTION 1. General Diversion Payments.—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such cropland in the United States.²

SECTION 2. Cotton and Tobacco Diversion Payments.—A. Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

B. Payment will be made for each acre diverted from the tobacco soil-depleting base on any farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of tobacco for the farm on an acreage not to exceed 25 percent of such base.

Sec. 3. Sugar Beet Payments.—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds

the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III—Rates and Conditions of Soil-Building Payment

SECTION 1. Soil-Building Practices and Rates.—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

PRACTICES AND CONDITIONS—DATE OF PAYMENT

A. Perennial Legumes including alfalfa, kudzu, sericea, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following: \$2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial Legumes including red clover, alsike clover and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay. \$3.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Biennial and Annual Sweet Clover, lespedeza, and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on crop land under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

D. Perennial Grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Crested Wheat Grass seeded on crop land in 1937: \$3.00 per acre.

F. Mixtures of Perennial and Biennial Legumes and Perennial Grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. *Planting of Sod Pieces of Perennial Grasses.*—

1. The planting of sod pieces of approved perennial grasses between February 1, 1937, and October 31, 1937, the sod pieces to be cut to a depth of approximately two inches and in blocks not less than four inches square. The sod pieces are to be planted in rows not more than four feet apart with the pieces at intervals of not more than four feet in the row and set approximately level with the surface soil: \$4.00 per acre.

H. Green Manures—Legumes—when soybeans, cowpeas, or field peas are seeded on cropland between January 1, 1937, and July 31, 1937, and plowed under after attaining at least two months' growth; provided, however, that when planted in orchards or vineyards the entire growth may be allowed to remain on the land without turning under: \$2.00 per acre.

I. Winter Cover Crops—Legumes—when winter vetch or crimson clover is grown preceding or following a vegetable crop or in an orchard or vineyard, in 1937, and plowed under after attaining at least two months' growth: \$2.00 per acre.

J. Winter Cover Crops—Non-Legumes—when winter barley or rye is grown preceding or following a vegetable crop or in an orchard or vineyard in 1937, and plowed under after attaining at least two months' growth: \$1.00 per acre.

K. Addition of Organic Material in orchards and vineyards at a rate of not less than five tons dry weight per acre, between February 1, 1937, and October 31, 1937, provided such organic material is mechanically incorporated into the soil: \$5.00 per acre.

L. *Application of Ground Limestone.*—

1. When applied broadcast in 1937, at a rate of not less than two tons per acre. Such limestone to be ground to such fineness that 90% will pass through a 10-mesh sieve: \$3.00 per acre.

2. When drilled in rows in 1937, at a rate of not less than 400 pounds per acre. Such limestone is to be ground to such fineness that 90% will pass through a 100-mesh sieve: \$1.00 per acre.

M. *Super-phosphate for Legumes and Perennial Grasses.*—

1. When 16 percent super-phosphate or its equivalent is applied in 1937 at a rate of not less than 150 pounds per acre on land on which alfalfa, red clover or clover mixtures are seeded in 1937: \$0.60 per 100 pounds.

N. Establishment of terraces on cropland in 1937, provided, however, plans for the terracing project are approved in advance by the County Committee: 40 cents per 100 linear feet.

O. Contour farming on cropland in 1937, when small grain or intertilled crops are planted or seeded on the contour: *Provided, however,* the slopes are in excess of two percent: \$0.50 per acre.

P. *Forest Trees.*—

1. Planting of trees on cropland in 1937: *Provided, however,* the land is maintained in a good state of cultivation and plantings are protected from livestock, with not less than 200 living trees per acre at the time performance is checked: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 per acre.

Q. In the counties of Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Wallace, Logan, Gove, Trego, Ellis, Russell, Lincoln, Ellsworth, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Rice, Reno, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Pratt, Kingman, Morton, Stevens, Seward, Meade, Clark, Comanche, Barber, Harper, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough-cloddy surface, reasonably free from volunteer growth. First tillage operation must be performed prior to June 15, 1937: \$0.50 per acre.

2. Establishment of strip cropping and fallow, the fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width, with intervening strips of small grain crops, sorghum or Sudan grass, close drilled or broadcast, or small grain stubble, provided, however, at least one-third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or the acreage devoted to crops or stubble, whichever is the smaller, and only with respect to the acreage of strip cropping and fallow which is in addition to the acreage used for that practice in 1936: \$1.00 per acre.

3. Contour listing of cropland in the process of natural reseeding to native pasture; provided, however, that sufficient natural cover is maintained to insure protection against wind erosion, and such land is not grazed in any manner whatsoever in 1937: \$1.00 per acre.

4. Restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; provided, (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county committee; and (3) such land is not pastured, cropped or tilled in 1937: \$0.25 per acre.

R. The following practice will be applicable only in the counties of Cheyenne, Rawlins, Decatur, Norton, Phillips, Sherman, Thomas, Sheridan, Graham, Rooks, Wallace, Logan, Gove, Trego, Ellis, Greeley, Wichita, Scott, Lane, Ness, Rush, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Morton, Stevens, Seward, Meade, Clark, Comanche, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Contour listing of cropland to control wind erosion, in such manner and time of listing as are approved in advance by the County Committee: \$0.25 per acre.

S. The following practice will be applicable only in the counties of Greeley, Wichita, Scott, Lane, Hamilton, Kearny, Finney, Hodgeman, Stanton, Grant, Haskell, Gray, Ford, Morton, Stevens, Seward, Meade, Clark, and in such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Planting of cover crops to control wind erosion:

Sudan grass or sweet sorghums when planted in rows not greater than 42 inches apart or any sorghum or Sudan grass when close drilled or broadcast; *Provided, however,* that no portion of the crop is harvested or pastured in any manner whatsoever. The county committee shall approve this practice only when the prior approval of the community committee has been obtained: \$2.00 per acre.

T. The Following Practices Will be Applicable Only to Non-Crop Pasture Acreage:

1. For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses: \$0.20 per pound of seed sown. Not to exceed \$2.00 per acre.

2. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

SEC. 2. Limitation on Number of Practices on Which Payment May be Made on the Same Acreage.—Payments, as specified in Section 1 of Part III, will not be made for more than one practice carried out on the same acreage except as follows:

a. Any one of the practices specified in Items A, B, C, and F, together with either or both of the practices specified in items L or M.

b. Any one of the practices specified in items A to J inclusive, or item P, together with the practice specified in item N.

c. The practice specified in item N together with the practice specified in item O.

d. The practice specified in item Q-1 together with the practice specified in item Q-2.

SEC. 3. Soil-Building Allowance.—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States² for each acre diverted for payment from the general soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United

States,³ for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm \$20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States for each acre of cropland on the farm in 1937.

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

Part IV—Rates and Conditions of Range-Building Payments

SECTION 1. Range-Building Practices and Rates.—Payment will be made for the carrying out on range land in 1937, such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Contouring.—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. Development of springs and seeps.—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: \$50.00 per spring or seep.

C. Earthen pits or reservoirs for holding run-off and impounding precipitation.—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. Wells.—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: \$1.00 per linear foot.

E. Water Spreading to Prevent Soil Washing.—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture): \$0.10 per 100 linear feet of permanent ditching.

F. Range Fences.—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

G. Rodent Control.—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Prairie dogs: \$0.07½ per acre.

H. Reseeding.—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses as follows: \$0.20 per pound of seed sown:

1. Crested wheat grass.
2. Slender wheat grass.
3. Western wheat grass.
4. Brome grass.

I. Natural Reseeding by Deferred Grazing.—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. Range Building Allowance.—The range building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. Range Building Payment.—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil-depleting crops or deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to cotton and tobacco acreage diverted for payment.

SEC. 4. Eligibility for Payment.—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: *Provided*, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

Part V.—Division of Payments

SECTION 1. Division of Payments Between Owner and Operator.—A. All payments, except sugar-beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however, that*—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar-beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. 1937 Owner or Operator Entitled to Payments.—All payments, except sugar-beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

Part VI—General Conditions for Payment

SECTION 1. Modifications for Farms under Special Programs.—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 2. Destruction of Foods, Fibers, and Feed Grains.—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SECTION 3. Payments Restricted to Effectuation of Purposes of the Program.—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SECTION 4. Deductions for Increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.—A. If the 1937 acreage of soil-depleting crops, except cotton and tobacco, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II: *Provided, however, that* if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton and tobacco, in excess of 20 acres.

B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of Section 2, part II.

C. If the 1937 acreage of tobacco upon a farm is in excess of the tobacco soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for tobacco diversion payment for the farm under the provisions of section 2, part II.

D. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus the acreage (not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton and tobacco diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of \$3.00 for each acre of cotton and tobacco diverted for payment in excess of such acreage of soil-conserving crops.

SECTION 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SECTION 6. Practices Not Qualifying for Payment.—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal Agency.

SECTION 7. Association Expenses.—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SECTION 8. Application and Eligibility for Payment.—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the state may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

Sec. 9. Land To Be Covered by Work Sheet.—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same

operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SECTION 1. Total Soil-depleting Base.—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such total soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with total soil-depleting bases for other farms in the same community which are similar with respect to size, type or soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the total soil-depleting bases established in a county to the acreage of cropland on all farms for which

such bases have been established, and any other pertinent information which is available.

SECTION 2. General Soil-Depleting Base.³—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops except cotton and tobacco. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the sum of any cotton and tobacco soil-depleting bases.

SECTION 3. Soil-Depleting Bases for Individual Crops.—
A. Cotton Soil-Depleting Base.—

1. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

2. If for causes other than flood, drought or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for the farm in 1936, the cotton soil-depleting base for 1937 shall be adjusted downward by the County Committee to an acreage not less than 154 percent of the 1936 planted acreage.

3. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

4. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county or other specified area by the Agricultural Adjustment Administration.

B. Tobacco Soil-Depleting Base.—There will be established as part of the total soil-depleting base for the farm, a tobacco soil-depleting base which shall be equal to the tobacco soil-depleting base which was established or which could have been established for such farm under the procedure for the 1936 Agricultural Conservation Program with adjustments which may be justified by measurements made in 1936, provided, however, that if for causes other than flood, drought, or other abnormal weather conditions or plant diseases the acreage planted to tobacco on the farm in 1936 was less than 55 percent of the tobacco base for the farm in 1936, the tobacco base for 1937 shall be adjusted downward by the County Committee to an acreage not less than 133 percent of the 1936 acreage.

SECTION 4. Soil-Conserving Base.—The soil-conserving base shall be equal to the total acreage of cropland less the total soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SECTION 5. Establishment of Grazing Capacity.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity

is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SECTION 1. Soil-Depleting Crops.—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under items a, of section 2 and d and e of section 3 of this part VIII.

b. Corn (field, sweet, and popcorn).

c. Cotton.

d. Tobacco.

e. Potatoes and sweet potatoes.

f. Sugar Beets and root crops grown for feed.

g. Cultivated sunflowers.

h. Mustard (commercial).

i. Truck and vegetable crops and their seed, melons and strawberries.

j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.

k. Rape and millets.

l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay except as indicated under item d of section 3 of this part VIII.

SECTION 2. Soil-Conserving Crops.—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of section 1, part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses and such other legumes and grasses as may be approved by the Director of the Western Division when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, Mammoth, and crimson clovers; kudzu, sericea, lespedeza, vetch.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, grama, buffalo, timothy, redtop, fescues.

b. Forest trees planted on cropland since January 1, 1934.

SECTION 3. Neutral Uses.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Idle cropland.

b. Cultivated fallow.

c. Artichokes, bulbs, nursery stocks.

d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drought in the period beginning July 1, 1936.

e. Small grains seeded as a winter cover crop and pastured, but not harvested for grain or hay.

f. Orchards, vineyards, nut trees, and bush fruits.

³ Under the terms of the 1937 Agricultural Conservation Program the sugar beet acreage is included in the general soil-depleting base.

Part IX—Appeals

SECTION 1. Appeals from Determinations of County Committee.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment determined for his farm or ranching unit by the county committee is not equitable may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-546; Filed, February 24, 1937; 12:34 p. m.]

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[General Order No. 244]

CHANGES IN IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

FEBRUARY 24, 1937.

By virtue of and pursuant to the authority conferred by Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Tit. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, the following changes are hereby made in the Immigration Rules of January 1, 1930, as amended:

Subdivision H, Rule 3 is amended by renumbering existing Paragraphs 5, 6 and 7, Paragraphs 6, 7 and 8, respectively, and by inserting a new Paragraph 5 to read as follows:

PAR. 5. A Japanese national entitled to return to a Section 3 (6) status in the United States, from a visit abroad, or a Japanese national entitled to have his wife or child join him in the United States with a Section 3 (6) visa, or the wife or child already admitted, who is entitled to return under such a visa from a visit abroad, may make application for a predetermination of his or her Section 3 (6) status. The application shall be filed in affidavit form and shall be submitted for proper investigation to the immigration and naturalization office located nearest to the applicant's place of residence. The affidavit shall include the name of the applicant, age, complexion, color of hair and eyes, height, and physical marks or peculiarities. It shall also include the name of the vessel, port of arrival, and date on which the applicant arrived in the United States. Separate applications must be submitted for each applicant. An applicant shall be required to establish that he (she) was lawfully admitted under Section 3 (6) of the Immigration Act of 1924, and that he (she) has maintained that status since entry. A Japanese not engaged solely in carrying on trade between the United States and Japan is not entitled to enter in a Section 3 (6) status or to have his wife or child join him in that status. The affidavit shall be prepared in duplicate and each copy shall contain a photograph of the applicant, which photograph shall be 2½ inches in width by 2½ inches in length, taken from the same negative, not retouched or mounted, representing the applicant without hat and showing a full front view. If the immigration and naturalization officer in charge is satisfied with the proof advanced, he shall return to the applicant the original affidavit, placing thereon the following stamped notation in red ink:

The applicant whose photograph appears hereon has established to my satisfaction that he (she) was lawfully admitted to the United States under Section 3 (6) of the Immigration Act of 1924 and since the date of his (her) entry has maintained the status under which he (she) was admitted.

(Signature of Officer in Charge)

(Title)

(Port and date)

The affidavit will be presented to the American consular officer to whom application for visa is made. If the visa is granted, the affidavit will be returned to the applicant, who will be informed that he (she) should present it, with his (her) visaed travel document, to the immigration officer at the port at which he (she) arrives in the United States. The immigration officer at the port

of arrival shall lift the original affidavit and return it to the investigating office.

[SEAL]

EDW. J. SHAUGHNESSY,
Acting Commissioner of Immigration
and Naturalization.

Approved:

FRANCES PERKINS,
Secretary.

[F. R. Doc. 37-570; Filed, February 25, 1937; 11:32 a. m.]

FEDERAL HOME LOAN BANK BOARD.

AMENDMENT OF RULES AND REGULATIONS

SIGNING OF PAPERS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437) Article VII, Section 5 of Exhibit "D" of the Rules and Regulations for Federal Home Loan Banks be amended to read as follows:

"Signing of Papers."—All checks, contracts, deeds, bonds, assignments, releases or other documents of the bank shall be signed in the name of the bank by the president, a vice-president, the treasurer or the secretary, and by any other officer or employee designated by the board of directors.

Adopted by the Federal Home Loan Bank Board on February 24, 1937.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 37-571; Filed, February 25, 1937; 12:39 p. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 28th day of April, A. D. 1936.

IN THE MATTER OF APPLICATIONS FOR AUTHORITY UNDER SECTION 212 (B), MOTOR CARRIER ACT, 1935, TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, OR PERMITS

The matter of applications under the above title being under consideration:

It is ordered, That applications for authority under section 212 (b), Motor Carrier Act, 1935, to transfer Certificates of Public Convenience and Necessity, or Permits, shall be in the form and contain the information called for in the form of application attached hereto and made a part hereof.¹

It is further ordered, That the verified original application and two copies thereof shall be filed with this Commission, and that one copy shall be delivered, in person or by registered mail, to the Board, Commission, or official of each State in which each of the applicants operate (or to the Governor where there is no Board, Commission, or official), having authority to regulate the business of transportation by motor vehicle.

By the Commission, Division 5.

[SEAL]

GEORGE B. McGINTY, Secretary.

[F. R. Doc. 37-541; Filed, February 24, 1937; 12:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULE AN23

The Securities and Exchange Commission deeming it necessary and appropriate in the public interest and for the

¹ Form BMC-27 was filed with the Division of the Federal Register; copies are available upon application to the Interstate Commerce Commission.

protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12), 10 (b), and 23 (a) thereof, hereby adopts the following rule:

RULE AN23. Temporary exemption from Sections 12 (a) and 7 (c) (2) of securities of certain issuers resulting from statutory consolidation; prohibition of use of manipulative or deceptive devices or contrivances with respect thereto.—(a) Whenever, in connection with a consolidation resulting in the formation of a new corporation, at least a part of any class of securities of such new corporation result from a modification of, or are issued in exchange for or otherwise in respect of, a listed security of one of the constituent corporations, such class of securities of the new corporation shall be exempt from the operation of Section 12 (a) for a period of one week from the date of consolidation, to the extent necessary to render lawful the effecting of transactions therein on the exchange on which such listed security of the constituent corporation was listed. For the purposes of this rule, the word "consolidation" means a consolidation, by agreement, of two or more corporations under provisions of law whereby, upon the execution or upon the filing of such agreement, a new corporation is created as successor to all the constituent corporations; it does not include mergers, acquisitions of assets, or other transactions of succession in which the issuer of the new securities is in existence prior to the succession. The term "date of consolidation" means the date on which the new corporation resulting from the consolidation is created. The word "listed" means either (1) listed on a national securities exchange as a security registered pursuant to Sections 12 (b), (c) and (d), or (2) listed on a national securities exchange as a security exempted from the operation of Section 12 (a), or (3) admitted to unlisted trading privileges on a national securities exchange pursuant to Section 12 (f).

(b) Rules AN1 and GB1 shall be applicable to all securities exempted from the operation of Section 12 (a) by paragraph (a) of this Rule.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-578; Filed, February 25, 1937; 12:43 p. m.]

SECURITIES EXCHANGE ACT OF 1934

RULE ADOPTING FORM 23

The Securities and Exchange Commission, finding—

(1) that the requirements of Form 23, as more specifically defined in the instruction book accompanying that form, are necessary and appropriate in the public interest and for the protection of investors, and that, insofar as the information required by such form and instruction book is not within the provisions of Section 12 (b) of the Securities Exchange Act of 1934, it is of a character comparable to such information and is applicable to the class of issuers and securities for which such form is prescribed; and

(2) that the exhibits required by such instruction book are necessary and appropriate for the proper protection of investors and to insure fair dealing in the securities registered on Form 23,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby adopts Form 23 and the instruction book accompanying Form 23.¹

AMENDMENT TO RULE JB1

The Securities and Exchange Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby amends Rule JB1 by striking out the two paragraphs under the caption "Form 23 for Successor Issuers" and substituting in lieu thereof the following paragraph:

Form 23 for Successor Issuers.—This form shall be used for applications for registration of securities of any issuer which has acquired, or is presently to acquire, directly or indirectly (through the acquisition of securities or otherwise) the major portion of its business and assets (other than cash) by acquiring all or a

part of the business and assets of one or more other persons, and is continuing, or is to continue, the business so acquired; provided, however, that this form shall not be used by issuers for which either Form 8-B, 12, 12-A, 20, 21 or 22 is prescribed, or for applications filed with the Exchange after the expiration of a full fiscal year of the issuer commencing on or after the date of succession.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-579; Filed, February 25, 1937; 12:44 p. m.]

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN13

The Securities and Exchange Commission deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12), 10 (b), and 23 (a) thereof, hereby amends Rule AN13 as follows:

(a) By deleting from Paragraph (a) thereof the words "the date specified below" and inserting in lieu thereof "June 24, 1937."

(b) By inserting in Paragraph (a) thereof, after the words "provided that", the following: "the filing of an application for the registration of such securities on Form 23 is authorized and that."

(c) By deleting the last sentence of Paragraph (a) thereof.

Rule AN13, as so amended, reads as follows:

RULE AN13. Exemption from Sections 12 (a) and 7 (o) (2) of certain classes of securities of certain issuers which have acquired the assets of other issuers; prohibition of use of manipulative or deceptive devices or contrivances with respect thereto.—(a) Any class of securities of an issuer which, having at the time no assets or liabilities other than nominal ones, shall have acquired (whether before or after the adoption of this Rule), directly, or indirectly through the medium of one or more subsidiaries all of whose stock, except directors' qualifying shares, is owned by such issuer, all or substantially all of the assets of

(i) another issuer, or
(ii) another issuer and one or more of its subsidiaries, or
(iii) one or more subsidiaries of another issuer, if all of the stock of such subsidiaries, except directors' qualifying shares, is directly or indirectly owned by and constitutes substantially all of the assets of such other issuer,

shall be exempt from the operation of Section 12 (a) to and including June 24, 1937, to the extent necessary to render lawful the effecting of transactions therein on a national securities exchange on which such class of securities shall be approved for listing (or for listing upon official notice of issuance), provided that the filing of an application for the registration of such securities on Form 23 is authorized and that either or both of the following conditions are satisfied:

(1) at least a portion of such class of securities was or shall be issued in exchange for or otherwise in respect of securities of such other issuer, and such latter securities (or certificates of deposit or voting trust certificates therefor) at the time of such issuance shall have been registered on such national securities exchange pursuant to Section 12 (b), (c) and (d) or pursuant to Section 12 (e), or authorized so to be registered thereon on official notice of issuance, or shall have been listed on such national securities exchange or authorized so to be listed on official notice of issuance as securities exempted from the operation of said Section 12 (a).

(2) at least a portion of such class of securities was or shall be issued upon the exercise of warrants or rights to subscribe to or otherwise acquire the same, which warrants or rights by their terms expire on a date which shall be within one hundred and twenty days after the issuance thereof and shall have been issued in exchange for or otherwise in respect of securities of such other issuer, and such latter securities (or certificates of deposit or voting trust certificates therefor) at the time of such issuance shall have been registered on such national securities exchange pursuant to Section 12 (b), (c) and (d) or pursuant to Section 12 (e), or authorized so to be registered thereon on official notice of issuance, or shall have been listed on such national securities exchange or authorized so to be listed on official notice of issuance as securities exempted from the operation of said Section 12 (a).

(b) Rules AN1 and CB1 shall be applicable to all securities exempted from the operation of Section 12 (a) by paragraph (a) of this Rule."

¹ Form 23 and the Instruction Book for Form 23 were filed with the Division of the Federal Register; copies available upon application to the Securities and Exchange Commission.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-580; Filed, February 25, 1937; 12:45 p. m.]

SECURITIES ACT OF 1933
SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULE MD3

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, hereby adopts the following rule:

RULE MD3. Annual Report for Period for which Financial Statements are Furnished in New Registration Statement. Notwithstanding the provisions of Rule MD2, a registrant which files with the Commission, within the period prescribed in Rule MD1 for filing an annual report for a particular year, a registration statement on Form A-1, A-2, C-1, or E-1 containing financial statements as of the dates and for the periods required under the appropriate form of annual report, may incorporate by reference all information and documents contained in such registration statement, in lieu of furnishing the information called for by the appropriate form of annual report. In such case the registrant shall file with the Commission in triplicate, within the period prescribed in Rule MD1 for filing the annual report, a statement in approximately the following form:

"Pursuant to Rule MD3, the registrant, _____, hereby incorporates by reference in this, its annual report pursuant to Section 15(d) of the Securities Exchange Act of 1934, all information and documents contained in the registration statement on Form _____, filed by it on _____, 19_____, as amended under dates of _____."

Such statement shall be filed under cover of the facing sheet of the appropriate form for annual report. At least one copy of the statement shall be signed in the form prescribed in the appropriate form of annual report.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-577; Filed, February 25, 1937; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of February A. D. 1937.

[FILE NO. 46-32]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION, THE INDUSTRIAL GAS COMPANY, GAS PRODUCING COMPANY OF OHIO

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with the Commission, by the National Gas & Electric Corporation, a registered holding company, and The Industrial Gas Company and Gas Producing Company of Ohio, wholly owned subsidiary companies thereof, pursuant to Section 10 (a) (1) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition of securities and physical property in connection with an agreement dated February 5, 1937, between National Gas & Electric Corporation and Commonwealth Gas Corporation, involving a cash consideration of approximately \$918,000; it appearing that said acquisition involves properties and securities of companies engaged in the production and wholesale distribution of natural gas in the vicinity of Zanesville, Ohio; that National Gas & Electric

Corporation proposes to acquire shares of Fritz Oil and Gas Company, \$22,000 face amount of notes of The Industrial Gas Company, and \$400,000 face amount of 5% 16-year first mortgage bonds to be issued by Gas Producing Company of Ohio; that Gas Producing Company of Ohio proposes to acquire (partly with the proceeds of such issue of bonds) physical properties of certain subsidiaries of Commonwealth Gas Corporation; that The Industrial Gas Company proposes to acquire all of the physical properties of the Zane Gas Company;

It is ordered that a hearing on such matter be held on March 16, 1937, at ten o'clock in the forenoon of that day at Room 726-C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 11, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-576; Filed, February 25, 1937; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN ET AL. SUNERAM FARM, FILED ON FEBRUARY 11, 1937, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that the amount or percentage of water produced or being produced with the oil on the lease is not correctly set forth and the note to Item 16 (a) (111) is not believed to be reliable;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the

material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of March 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-582; Filed, February 25, 1937; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

[File No. 43-31]

IN THE MATTER OF SOUTHWESTERN LIGHT & POWER COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER

Southwestern Light & Power Company, a subsidiary company of The Middle West Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of \$7,250,000 aggregate principal amount of its First Mortgage Bonds, Series A, due February 1, 1967; an order having been duly entered providing for a hearing in such matter on February 25, 1937; such hearing having been postponed to February 26, 1937 at 2:30 o'clock in the afternoon of that date, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C.; and, it now appearing that the officer of the Commission heretofore designated therefor will be unable to preside on such occasion;

It is now ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing at the above stated time and place, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in such matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-581; Filed, February 25, 1937; 12:45 p. m.]

No. 38—6

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE ANDERSON-PRITCHARD-HARE NO. 1 FARM, FILED ON FEBRUARY 3, 1937, BY DEALERS ROYALTY COMPANY, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 20, 1937, be effective as of February 20, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-584; Filed, February 25, 1937; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of February 1937.

[File No. 2-2557]

IN THE MATTER OF MAJOR METALS CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Major Metals Corporation, of New York, New York, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement and prospectus and amendments filed on November 24, 1936, and December 18, 1936, include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Major Metals Corporation, of New York, New York, be and the same hereby is suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-575; Filed, February 25, 1937; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST
IN THE GULF-W. M. JOHNSON FARM, FILED ON FEBRUARY 17,
1937, BY W. M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING UNDER RULE (340 (A)),
AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

- (1) In that the farm name is omitted from page 1, Division I;
- (2) In that the date when the information in the sheet will be out of date is omitted from paragraph 8, Division I;
- (3) In that Item 6 (a), Division II, states there is no ad valorem tax in Texas;
- (4) In that the name of the pipe line is omitted in Items 10 (b) and (c), Division II;
- (5) In that Exhibit A in several respects does not meet the requirements of the regulations in that the date, scale, and legend are omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 26th day of March 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the

material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 11th day of March, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-583; Filed, February 25, 1937; 12:46 p. m.]